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## Memorandum

**To:** Commissioners

**From:** Henry Sepulveda  
Director of Legislative Affairs

**Subj:** Legislative Report

This report updates legislative activity occurring since the Commission's last meeting on June 10. This memorandum describes bills that affect the Commission and other bills being monitored by the Commission. Only significant changes are addressed in this Legislative update.

Table 1 (attached) provides a comprehensive summary of all of the bills on which the Commission has taken a formal position or which are being monitored on a "Watch" basis.

### Commission-sponsored bills

- **AB 3032 (Yee)** exempts URM building owners that complete improvements to a URM building from the existing requirement to post an entry-area sign warning about the dangers posed by URM buildings during earthquakes.

*Update: The Senate Housing and Community Development Committee approved the bill on June 7. The Senate Appropriations Committee approved the bill (on Consent) on June 28. It will next be heard on the Senate floor.*

- **AB 3033 (Yee)** seeks to promote seismic retrofit improvement of URM buildings by minimizing the requirements imposed by local building departments on retrofit projects. Specifically, the bill proposes, on a trial basis, to restrict additional requirements that local building agencies may impose as a pre-condition to approving a proposed URM retrofit project and, therefore, minimizing the costs of the project. The measure also calls for a Commission report on the impact of the changes in promoting the retrofitting of URM structures. The measure has a 2009 sunset date.

*Update:* Similar to AB 3032, this bill was approved by Senate Housing and Community Development Committee on June 7 and by the Senate Appropriations Committee (on Consent) on June 28. It will next be heard on the Senate Floor.

- **AB 3082 (Assembly Judiciary Committee).** This bill is a non-substantive, technical clean-up measure that re-numbers the existing law (in Insurance Code) authorizing the collection of fees to support the Commission's operations.

*Update:* The bill has been approved by both the Assembly and the Senate and is to be referred to the Governor for signature.

**2004 Bills.** Table 1 presents complete update of these measures. Only significant changes to (or recently amended new) bills are described below.

- **SB 1175 (Denham),** as originally proposed, would allow newly constructed "joint-use" facilities on community college campuses to be built in accordance with either the UBC or the Field Act. Under current law, the construction of facilities on community college campuses must comply with the Field Act.

On April 26, the bill was amended to expand its scope such that ALL community college facilities (not restricted to "joint-use" facilities as originally proposed) would now be allowed to be constructed in accordance with EITHER the Field Act or UBC (as adopted by the Building Standards Commission for UC and CSU).

The full Senate approved SB 1175 on May 3 (on a 35-0 vote).

*Update.* The Assembly Higher Education Committee heard the bill on June 15. The bill failed to obtain sufficient votes for passage. On June 21, an amended version of the bill was granted re-consideration by the Committee, but again failed to obtain sufficient votes for passage. Effectively, the bill is dead for the current session.

- **AB 920 (Nakano),** among other changes, modifies the Natural Hazards Disclosure Form (related to seismic conditions) used by transferees of real property to allow reliance on technical representations made by third parties (geotech engineers, etc.).

*Update:* Approved by both the Assembly and Senate and referred to the Governor for signature.

- **AB 1790 (Corbett)** directs the State Allocation Board to develop regulations for a seismic upgrade program for K-12 facilities. The program is to provide grants to schools. These actions are a follow-up to the comprehensive seismic safety study review of K-12 schools mandated by AB 300, Corbett (2000) and conducted by the Division of the State Architect. Funding is to be obtained from the issuance of future State education bonds.

*Update: The bill was amended on June 10 to re-insert the substantive provisions calling for the program regulations. The bill is now pending before the Senate Education Committee (June 30 hearing date).*

- **AB 2031 (Cogdill)** requires counties to adhere to the terms of a Search and Rescue Model Operating Plan (developed by OES) to determine which local agencies (fire services or law enforcement) are better suited to respond to different types of local emergencies.

*Update: At the June meeting, the Commission directed staff to prepare a report on the Model Plan. That Report is provided in a separate section of the July mailout packet. The Senate Appropriations Committee approved the bill (on Consent) on June 28. It will next be heard on the Senate floor.*

- **AB 2197 (Aghazarian)**, in the April 21 version, prohibited the Division of the Safety of Dams (in the Department of Water Resources) from making inspections of dams that are licensed and inspected by the Federal Energy Regulatory Commission. An estimated 200 dams are subject to dual jurisdiction under current law.

The Assembly Appropriations Committee amended the bill on May 26 by deleting the substantive prohibitions. The current version of the bill now calls on the Secretary of the Resources Agency to convene an advisory committee to evaluate whether the department should continue its periodic inspections of the dual-jurisdiction dams.

*Update: At the June meeting, the Commission approved a “Support if Amended” position on the condition that the Commission be added to the Advisory Committee assisting the Resources Agency Secretary. The bill was amended on June 17 to add the Commission.*

- **AB 2533 (Salinas)** imposes civil and private action penalties on owners of unreinforced masonry buildings for failure to comply with existing law requiring the posting of placards warning the public about the earthquake-related hazards in URM buildings.

*Update: Approved by the Senate Housing and Community Development*

*Committee. Pending before the Senate Appropriations Committee.*

- **AB 2973 (Cohn)**, in the April 14 version, established a maximum 90-day review period for plans submitted by hospitals to the Office of Statewide Health Planning and Development (OSHPD). The plans are submitted in connection with seismic improvements mandated under the Alquist Hospital Seismic Safety Act. Under this bill, the OSHPD would be required to accelerate its current timetable for plan review.

The bill was amended on May 20 to provide for an alternate expedited review process. Under the amended version, hospitals with seismic retrofit projects in excess of \$50 million would be permitted to employ OSHPD-certified independent plan reviewers (IRPs), in lieu of a full OSHPD review. In addition, for projects of \$20-50 million, the hospital may employ IRPs, if OSHPD determines that “undue delay” may otherwise occur in reviewing the plans. The bill also calls on OSHPD to “make every effort to perform a review of the certified plans within 90 days of submission.”

Update: *Pending before the Senate Appropriations Committee.*

- **AB 3010 (Laird)**, as introduced, was identical to SB 1175 (Denham) regarding the optional applicability of the Field Act to community college “joint-use” facilities. However, the bill was amended on April 12 to delete those provisions.

The current version now calls on the State Architect to establish a collaborative review process during the design phase of community college projects. It also requires the DSA to set up a fee-supported training session for designers/planners of community college facilities.

At the May meeting, the Commission rescinded its previous position of “Oppose” and adopted a “Watch” position to reflect the deletion of the Field Act provisions.

Update: *Pending before the Senate Appropriations Committee.*